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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,405	06/13/2000	Timothy H. Addington	A-5997	5775

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/592,405	Applicant(s) ADDINGTON ET AL.	
	Examiner Annan Q. Shang	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Agraharam et al (6,035,339)** in view of **Ozkan et al (6,366,326)**.

As to claims 26-27, note the **Agraharam** discloses network information delivery system for delivering information based on end user terminal requirements, a method, at a decoder (End User Terminal 'T' 112 /114) in a subscriber television system (Network 100) with includes Information Source 'IS' 108/Network Information Delivery Device 'NIDD' 110 'IS/NIDD-108/110' or LECs-104, for determining a decoder a service group associated with the decoder, the method comprising the steps of:

(End User Terminal 'T' 112 /114 "a subscriber" and a plurality of decoders)

Retrieves a service group table (formats, tuning frequencies, etc., col.2, line 43-col.3, line 11, lines 31-63 and col.4, lines 44-67) from a signal on the transmission medium (Network 100, col.2, lines 26-42), where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least, one transport stream identification (col.6, lines 14-41 and line 42-col.7, line 26), note that Information Source 'IS' 108/Network Information Delivery Device 'NIDD' 110 'IS/NIDD-108/110' creates and stores a service group table and where IS/NIDD-108/110 "a transmitter" transmits the table to T-112/114 to different local exchange carriers (LECs) 104, where T-112/114 retrieves the service group table and initializes itself and uploads a service group associated to T-112/114 to Controller 302 at IS/NIDD-108/110;

(T-112/114) retrieves at least a portion of the tuning information from the service group table the tuning information including at least one frequency, where the at least one frequency is associated with the at least one transport stream identification (col.6, lines 14-41);

(Tuner of T-112/114) tunes to a frequency retrieved from the tuning informing; determining if a valid signal is present at the tuned frequency; in response to determining that a valid signal is detected at the tuned frequency, determining the transport stream identification associated with the tuned frequency and, from the determined transport stream identification, determining an associated service group

from the service group table as the service group for the decoder (col.6, lines 14-41 and line 42-col.7, line 26);

comparing (CPU 202 of T-112/114) the determined service group for the decoder with a previously stored service group; and in response to a determination that the determined service group for the decoder is different than the previously stored service group, transmitting (T-112/114) the determined service group for the decoder to a system controller (Controller 'C' 302, fig.8, col.6, lines 14-41), note that T-112/114 uploads "sends a message" user's profile to C-302 at NIDD-110 or IS/NIDD-108/110 (col.6, line 42-col.7, line 26).

Agraharam further teaches where T-112/114 subscribes to IS/NIDD-108/110 (col.3, lines 31-36) and where Controller 302 or T-112/114 CPU-202 continuously monitors the transmission medium (Network 100) of the requested information, update the database 116 and 118 with respect to each subscriber profile and readjust the routing path if necessary to satisfy the information delivery requirements (col.7, lines 1-21), but fails to explicitly teach determining if a valid signal is detected and television (TV) system.

However note **Ozkan** reference figure 1 discloses a TV system for acquiring, processing and storing video data and program guides transmitted in different coding formats which determines whether a valid data is being received on the selected transmission channel and if not re-tuning to receive a valid transmission channel and the coding type and further modulators broadcast signal tailored to the requirements of

a particular broadcast area (col.3, lines 11-55, col.8, lines 28-53 and col.11, lines 21-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ozkan into the system of Agraharam to tune to the appropriate channel to receive and error free signal and further incorporate TV network system, to provide additional services to the multimedia terminal and furthermore to modulate broadcast signals tailored to specific areas and target specific programs and ads based on a subscriber location, to generate income.

As to claim 28, Agraharam further disclose storing the determined service group on T-112/114 (col.5, lines 59-63 and col.6, lines 21-41).

As claim 29, Agraharam further discloses a plurality of formats and rate or speed of transmission (col.4, lines 44-57), but fails to explicitly teach where the tuning frequency includes an MPEG transport stream.

However, Ozkan further discloses where the tuning is MPEG TS with a service group table inserted within the MPEG TS (col.3, line 41-col.4, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ozkan into the system of Agraharam to conform to other broadcasting encoding standards and further insert the table within the MPEG TS to enable the decoder or receiver to retrieve an associated service table accordingly.

As to claim 30, Agraharam further discloses where the decoder is a home communications terminal or computer (col.2, line 43-col.3, line 11).

As to claim 31, the claimed "A method for determining a service group associated of at least one decoder, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 26.

Claim 32 is met as previously discussed with respect to claim 29.

Claim 33 is met as previously discussed with respect to claim 30.

As to claim 34, the claimed "A modulator for transmitting a service group table in a subscriber TV system..." is composed of the same structural elements that were discussed with respect to the rejection of claim 26, note that the claimed modulator is inherent to IS/NIDD-108/110.

As to claim 35, Agraharam fails to explicitly teach QAM modulator.

However Ozkan further discloses a QAM modulator (col.4, line 60-col.5, line 2, line 29-40 and col.11, lines 21-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ozkan into the system of Agraharam in order to encode information into variations of amplitude and achieve a greater encoding efficiency.

As to claim 36, Agraharam further discloses where C-302 is responsive to commands for controlling the creation of the service table (col.5, line 13-col.6, line 1+).

Claim 37 is met as previously discussed with respect to claim 29

As to claim 38, the claimed "A decoder configured to determine an associated with a service group of a subscriber TV..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-27.

Claim 39 is met as previously discussed with respect to claims 26 and 28.

Claim 40 is met as previously discussed with respect to claims 26-27.

Claim 41 is met as previously discussed with respect to claim 30.

As to claim 42, the claimed "A system controller for causing to be stored and updated a database of a service group..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-27.

Claim 43 is met as previously discussed with respect to claim 30.

As to claim 44, the claimed "A system controller for determining service group associations of a plurality of modulators..." is composed of the same structural elements that were discussed with respect to the rejection of claim 26.

Claim 45 is met as previously discussed with respect to claim 26.

Claim 46 is met as previously discussed with respect to claim 30.

As to claim 47, the claimed "A method of using at least one of designated audit decoders at specific locations within a subscriber TV system..." is composed of the same structural elements that were discussed with respect to the rejection of claim 26, note the each T-112/114 is associated with a specific location coupled to local exchange carrier 'LEC' (col.2, lines 26-60)

Claim 48 is met as previously discussed with respect to claim 30.

Claim 49 is met as previously discussed with respect to claim 26.

Claim 50 is met as previously discussed with respect to claim 26.

Response to Arguments

4. Applicant's arguments with respect to new claims 26-50 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kenner et al (6,421,726) disclose system and method for selection and retrieval of diverse types of video on a computer.

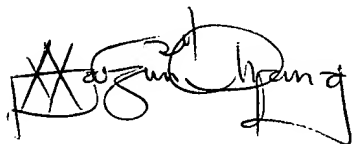
Himmel (6,167,441) discloses customization of web pages based on requester type.

Sahai et al (6,594,699) disclose system for capability based multimedia streaming over a network.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Annan Q. Shang'. The signature is stylized with loops and a large 'S' shape.

Annan Q. Shang